



**THE CORPORATION OF THE
TOWN OF MIDLAND**

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**PLANNING AND DEVELOPMENT COMMITTEE OF COUNCIL
REPORT 2017-6**

**Report of the Planning and Development Committee of Council Meeting held
Wednesday, June 7, 2017 at 7:00 p.m. in the Municipal Office Council Chambers.**

Present: Chair Councillor J. Contin
Vice Chair Councillor J. Main
Mayor G. McKay
Deputy Mayor M. Ross – arrived at 8:05 pm
Councillor G. MacDonald
Councillor G. Canning
Councillor P. File
Councillor C. Oschefski
Councillor S. Strathearn

Also Present: W. Crown, Director of Planning and Building Services
J. Skorobohacz, CAO
A. Campbell, Town Engineer
K. Desroches, Clerk
E. Galloway, Planning Student

1. CALL TO ORDER

The Chair called the meeting to Order at 7:00 p.m.

The Chair read the introductory remarks respecting safety matters and respectful communication policies.

2. DECLARATIONS OF PECUNIARY INTEREST

The Chair asked if there were any declarations of pecuniary interest.

- i) Councillor Strathearn declared a pecuniary interest with respect to Item 4.B) Official Plan Amendment OPA-01-17 Zoning By-law Amendment Application ZBA-01-17, 447 Mundy's Bay Road as the applicant is a neighbor.

3. PUBLIC MEETING

The Chair, on a Motion Moved by Councillor Strathearn and Seconded by Councillor File adjourned the regular Planning and Development Committee Meeting to Open a Public Meeting pursuant to the *Planning Act* and pursuant to the Town of Midland By-law 2011-3 to consider a proposed Amendment to the Town's Zoning By-law. Vice Chair Councillor Jonathan Main assumed the role of Chair for the Public Meeting portion.

The Chair explained the purpose of the Public Meeting and outlined the procedures that would be followed. The Chair also advised that in accordance with the *Planning Act*, if a person does not make an oral submission at the Public Meeting in respect of the planning applications or make written submissions before the By-law is passed or an approval given, they may not be entitled to appeal the decision to the Ontario Municipal Board, and they may not be added as a party to a hearing on an appeal to the OMB unless, in the opinion of the Board, there are reasonable grounds to do so.

**A) Zoning By-law Amendment ZBA-05-15
Bill 140 – Second Units Implementation**

The Chair requested confirmation of notification of the Public Meeting including any correspondence received to which the Director of Planning and Building Services confirmed that the Notice of Public Meeting for the proposed Municipally-initiated Zoning By-law Amendment was mailed out on Wednesday, May 10, 2017 to ratepayers whose properties would be affected by the Zoning By-law Amendment and whose lands are designated Residential District in the Official Plan as well as to the required agencies. The Notice was posted on the Town's website and on the Town's Notice Monitor at the Municipal Office. The Notice was also advertised in the Midland Mirror on Thursday, May 18, 2017. The Notice was also posted on the Town's Facebook page and Twitter accounts. Notice requirements of the *Planning Act* have been satisfied.

At the request of the Chair, the Director of Planning and Building Services provided a description of the proposed Zoning By-law Amendment Applications together with a PowerPoint presentation.

The following correspondence was provided to Committee:

Petition signed by 75 residents requesting that the second suite program remain as is.

May 26, 2017 – email from Black Shore Investments Limited

June 3, 2017 – email from Robert and Laura Rankine

June 3, 2017 – email from Gueorgi and Janna Tchaevski

June 3, 2017 – email from Suzanne Smith

June 3, 2017 – email from Norma Cunningham

June 3, 2017 – email from Larry Zupko

June 4, 2017 – email from Barb Kettle

June 4, 2017 – email from George Dixon

June 4, 2017 – email from Juris Jankevics

June 4, 2017 – email from Donna and Brad Butler

The following email correspondence was provided to Committee “on-desk” and will be posted on the Town’s website.

April 6, 2017 – Pat Boyd – John Colussi

June 4, 2017 – email from Eric & Helen Stewart

June 5, 2017 – email from Bill & Rose LeSarge

June 5, 2017 – email from Sonya Hudson, Tiffin Homeowners Association Executive Comm.

June 5, 2017 – email from Allan Arlett, President, Tiffin Homeowners Association

June 5, 2017 – emails from Mary Crane

June 5, 2017 – emails from George Barber

June 5, 2017 – email from Tom and Lety Dudgeon

June 6, 2017 – email – redacted

June 6, 2017 – email from Gerald and Christine Duffy

June 6, 2017 – email from Paul Wismer

June 7, 2017 – email from Christa Rabe

The Chair then asked for comments from the Public and the following people spoke to Committee:

John Colussi – 577 Taylor Drive

Allan Arlett – on behalf of Tiffin Homeowners Association and himself

Eric Beutler - 190 Eighth Street

Mandy Branham - 806 Birchwood Drive

Brady McDonald – real estate agent/owner of 10 Midland properties

Lucy Herman – representing three property investors

George Dixon – on behalf of Tiffin Homeowners Association and himself

Graham Colter - 992 Howard Street

Sue Hanson - 934 Brebeuf Road

Steven Moreau - 207 Queen Street

Frank Thomson - 333 Aberdeen Boulevard

Danielle Dorion – real estate agent

Jim McCreary – 511 Aberdeen Boulevard

The Chair then asked Committee if they required clarification on the comments received to which there were none.

The Chair thanked everyone for their attendance and participation and advised that the Committee will consider the Official Plan Amendment and Zoning By-law Amendment applications and the results of the public consultation later tonight in the Regular Meeting portion of the Planning and Development Committee.

Being that there were no more questions, on a Motion Moved by Councillor File and Seconded by Councillor MacDonald the Chair declared the Public Meeting portion of the meeting closed and that the Zoning By-law Amendment Application and results of the Public Meeting be directed to the regular Planning and Development Committee of Council for consideration and recommendation to Council.

4. ITEMS FOR REVIEW/DISCUSSION

A) Zoning By-law Amendment ZBA-05-15 Bill 140 – Second Units Implementation

The Committee had before it for consideration the results of the Public Meeting and Staff Report PL-2017-31 dated May 22, 2017 with respect to a Zoning By-law Amendment application respecting Bill 140 Second Units Implementation.

Following the review of the Report and discussion, it was then,

Moved by: G. McKay
Seconded by: G. MacDonald

That Planning and Development Committee of Council refer the input received and the results of the Statutory Public Meeting with respect to the proposed Amendments to Zoning By-law 2004-90 regarding Second Units to Staff for a further Report on the proposed Amendments, the results of the Public Meeting and request a planning opinion and recommendation from Staff.

CARRIED.

B) Official Plan Amendment OPA-01-17 Zoning By-law Amendment Application ZBA-01-17 447 Mundy's Bay Road

Having previously declared a pecuniary interest, Councillor Strathearn vacated his seat and refrained from voting.

The Committee had before it for consideration Staff Report PL-2017-35 dated June 2, 2017 with respect to an Official Plan Amendment and Zoning By-law Amendment Application for the property at 447 Mundy's Bay Road.

With the concurrence of the Committee, Chair Contin provided Mr. Steven Nalor, owner of 447 Mundy's Bay Road, an opportunity to speak to the item.

Following the review of the Report and discussion, it was then,

Moved by: Deputy Mayor Ross
Seconded by: Councillor File

That Official Plan and Zoning By-law Amendment Applications No. OPA-01-17 & ZBA-01-17 respecting 447 Mundy's Bay Road be denied as not confirming to the Growth Plan 2017, not conforming to the Town's Official Plan, and not representing proper and orderly development or good planning as set out in staff Report PI-2017-35 dated May 30, 2017.

DEFEATED.

Moved by: Deputy Mayor Ross
Seconded by: Councillor Canning

That Official Plan and Zoning By-law Amendment Applications No. OPA-01-17 & ZBA-01-17 respecting 447 Mundy's Bay Road be approved and that staff be directed to bring forward the appropriate amending by-laws.

CARRIED.

**C) Zoning By-law Amendment ZBA-04-17
226 and 230 Queen Street**

The Committee had before it for consideration Staff Report PL-2017-33 dated May 23, 2017 with respect to a Zoning By-law Amendment application for the properties at 226 and 230 Queen Street.

Following the review of the Report and discussion, it was then,

Moved by: Councillor Strathearn
Seconded by: Councillor Main

That Zoning By-law Amendment Application No. ZBA-04-17 respecting 226 & 230 Queen Street (Lisa & Steve Warwick) be approved and the implementing Zoning By-law be passed to rezone 226 Queen Street to a Residential Exception Zone - R4-3-H and to rezone 230 Queen Street to a Residential Exception Zone - R4-4-H in accordance with Staff Report PL-2017-33 dated May 23, 2017.

Pursuant to Section 34(17) of the *Planning Act*, Council determines that no further notice of the proposed By-law is required as the change to the proposed By-law, through the addition of the Holding "H" Symbol, is minor in nature.

CARRIED.

**D) Site Plan Amendment Application SPA-02-17
9220 and 9226 County Road 93 (Montana's BBQ and Bar)**

The Committee had before it for consideration Staff Report PL-2017-32 dated May 22, 2017 with respect to a Site Plan Amendment Application for the property at 9220 and 9226 county Road 93.

Following the review of the Report and discussion, it was then,

Moved by: Councillor G. MacDonald
Seconded by: Mayor G. McKay

That Site Plan Application No. SPA-02-17 Highway 93 (Midland) Investments Inc. (Plaza Retail REIT) be hereby approved as set out in Staff Report PL-2017-32 dated May 22, 2017.

That all required drawings and/or reports shall be submitted and approved by the appropriate Staff in accordance with approved Site Plan Application No. SPA-02-17 and the changes identified in Staff Report PL-2017-32 dated May 22, 2017.

That Administration be directed to prepare the required Site Plan Amendment Agreement in respect of the approved Site Plan Application No. SPA-02-17 Highway 93 (Midland) Investments Inc. (Plaza Retail REIT) for execution by the Owner, that the Site Plan Amendment Agreement be brought forward to Council for Approval and, that a By-law to authorize the Mayor and Clerk to execute the said Site Plan Amendment Agreement be presented at the next available meeting.

CARRIED.

E) Source Protection Plan Implementation Study
Official Plan Amendment No. 6 and Zoning By-law 2004-84

The Committee had before it for consideration Staff Report PL-2017-36 dated June 2, 2017 with respect to the Source Protection Plan Implementation Study and Official Plan Amendment No. 6 and Zoning By-law 2004-84.

Following the review of the Report and discussion, it was then,

Moved by: Councillor Strathearn
Seconded by: Deputy Mayor

That the Town of Midland formally withdraws Official Plan Amendment No. 6 – Source Protection Implementation from the County of Simcoe and hereby directs that the proposed Source Protection policies of OPA No. 6, including the County’s proposed modifications thereto, be directed to The Planning Partnership for inclusion in the “May 2017 - Draft for Public Comment – Town of Midland Official Plan” as set out in Staff Report PL-2017-36 dated June 2, 2017; and

That the appeal of Source Protection By-law 2004-84 (OMB Case Number: PL150035) be resolved by way of Minutes of Settlement on the basis of the revised by-law as set out in Staff Report PL-2017-36 dated June 2, 2017.

CARRIED

5. OTHER BUSINESS

a) PDCC Meetings during July and August at the call of the Chair.

There was no other business

6. ADJOURNMENT

On a Motion by Councillor Canning the meeting was adjourned at 10:30 p.m.

Karen Desroches, Clerk